

### III. REMARKS

1. Claims 1, 4 and 13 are amended. Claim 19 is new.
2. Claims 1-11, 13, 14 and 16-19 are patentable under 35 U.S.C. 103(a) over Andrews (US 5,911,121), Gum (US 6,477,390) and White et al. (US 2005/0026643, hereinafter "White"). Claim 1 recites that the at least one of said connector pins operating in an identification state is a bi-directional and bi-mode signal pin. The combination of Andrews, Gum and White does not disclose or suggest this feature.

In Andrews, the jumper pins (64) are merely passive pins that are used to complete a circuit in the detection circuit (50) (Col. 3, L. 28 – Col. 4, L. 62). The detection circuit (50), which is shown in Figure 4 of Andrews, is located in the body of the phone and not in an exchangeable cover part as recited by Applicant. The detection circuit (50) is located on printed circuit board (46) which is located in the housing (40) of the phone (Col. 3, L. 12-13 and L. 23-35). Further, the jumper pins (64) do not operate circuitry of the cover. All the jumper pins merely allow the detection circuit (5) to generate a configuration signal of the selected program configuration to a particular model phone (10) (Col. 3, L. 54-57). Nowhere does Andrews disclose or suggest that the at least one of said connector pins operating in an identification state is a bi-directional and bi-mode signal pin as recited in Applicant's claim 1. Combining Andrews with Gum and White fails to remedy this deficiency.

Gum is silent as to the above topic.

White also fails to disclose or suggest that the at least one of said connector pins operating in an identification state is a bi-directional and bi-mode signal pin as recited in Applicant's claim 1. In an interview held on November 30, 2006 with the Examiner, the Examiner referred to paragraphs [0098] and [0102] of White during a discussion of the connector pin operating in an identification state being a bi-directional and bi-mode signal pin. It is respectfully noted that paragraph [0098] merely recites that the passive

data storage device (17) uses amplitude modulation to transmit data to the master unit (15). Paragraph [0098] also states that frequency modulation may be used as may phase modulation. However, White fails to state that the data storage device (17) can operate in any one of these modes in a bi-directional and bi-mode manner as recited by Applicant. All that White discloses is that the data storage device (17) can operate in either one of the described modes.

Paragraph [0102] of White merely discloses that the derivation of power by the passive data storage device (17) and data communication between the passive data storage device (17) and the reader unit (15) is achieved by an electrical wire connection between a reader transceiver of the reader unit (15) and a storage device transceiver of the passive data storage device. Nowhere in this passage nor anywhere else does White disclose that at least one of the connector pins operating in an identification state is a bi-directional and bi-mode signal pin.

Rather, White teaches away from the use of connector pins in paragraph [0099] which recites that "the first and second coupling elements are arranged to couple inductively. The first and second coupling elements may be arranged to couple in any other manner that requires the first and second coupling elements to be in close proximity but not in physical contact with one another. For example, the first and second coupling elements may be arranged to couple capacitively. These non contact arrangements have advantages over ohmic coupling arrangements because the use of ohmic coupling has the disadvantage that actual electrical contact needs to be established between the first and second coupling elements and that this requires the coupling elements to be exposed which may make manufacture of the fascia 3 more difficult and repeated removal and fitting of fascias may cause wear and tear of the coupling elements. Also, both capacitive and ohmic coupling require more accurate alignment and closer positioning of the first and second coupling elements than inductive coupling."

Thus, the combination of Andrews, Gum and White fails to disclose or suggest that the at least one of said connector pins operating in an identification state is a bi-directional

and bi-mode signal pin as recited in Applicant's claim 1. Therefore, claim 1 is patentable over the combination of Andrews, Gum and White. Claims 4 and 13 are patentable over the combination of Andrews, Gum and White for reasons substantially similar to those described above with respect to claim 1. Claims 2, 3, 5-11, 14, 16-19 are patentable at least by reason of their respective dependencies.

Moreover, it is respectfully submitted that there is no legal motivation to combine Andrews, Gum and White to achieve what is claimed by Applicant. In order to establish a *prima facie* case of obviousness under 35 U.S.C. 103(a), there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. There must also be a reasonable expectation of success, and the reference(s), when combined, must teach or suggest all of the claim limitations. (See M.P.E.P. § 2142). As noted above, the combination of Andrews, Gum and White does not disclose or suggest each feature of Applicant's claims. Thus, a *prima facie* case of obviousness cannot be established.

Neither Andrews, Gum nor White provide any suggestion or motivation to be combined or modified as proposed by the Examiner and the Examiner's proposition that Applicant's invention would be obvious as recited in the claims is not supported by the factual contents of Andrews, Gum and White.

In Andrews the jumper pins are merely passive pins and thus, do not operate any type of electrical circuitry. Gum is silent on the issue of pins. White clearly teaches away from the use of pins and clearly lists what White thinks are disadvantages of ohmic coupling in paragraph [0099]. Thus, one skilled in the art would not be motivated by himself/herself or by anything contained in the cited references to combine the references to achieve what is claimed by Applicant.

When "the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such a teaching or suggestion appears in the reference".

In re Rijckaert, 28 USPQ2d 1955, 1057 (Fed. Cir. 1993). The Examiner is requested to provide an indication as to where any such teaching, suggestion or motivation appears in the reference. Absent such a teaching, it is submitted that a *prima facie* case of obviousness over Andrews, Gum and White under 35 U.S.C. 103(a) is not established.

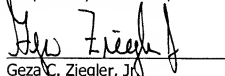
Further, claim 19 recites wherein the at least one of said connector pins operating in an identification state is configured to operate in a frequency mode, a PWM-mode and a cover type indication-mode. Nowhere is this disclosed or suggested in the cited references. Thus, claim 19 is patentable for this additional reason.

3. Claims 11 and 14 are patentable under 35 U.S.C. 103(a) over Andrews, Gum, White and Zhao (US 2004/0204135). Claims 11 and 14 depend from claim 1 and 13 which for the reasons described above are patentable over the combination of Andrews, Gum and White. It is respectfully submitted that the combination of Andrews, Gum, White and Zhao fails to disclose all the features of Applicant's claim 1 as well. Therefore, claims 11 and 14 are patentable at least by reason of their respective dependencies.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge \$120.00 for a one-month extension of time and payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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